

REMARKS

After entry of the foregoing amendment, claims 3-10 and 13-34 are pending in the application.

The November 16 Action made a restriction requirement, between Group I (claims 3-10 and 13-24) and Group II (Claims 25-32).

The restriction requirement is respectfully traversed.

The Examiner proposes that Group II has separate utility in that “the use of two different sensors can be achieved not only by modifying the memory of an existing scanner, but by instructions in an adjacent computer system.”

Applicants note that the claims of invention II are all *method* claims. As such, they are devoid of superfluous apparatus limitations, including limitations concerning the particular memory where computer instructions are stored (*i.e.*, whether in the scanner or in an adjacent computer system). As such, applicants respectfully submit that the claims identified as Groups I and II do not properly fall within the parameters of MPEP § 806.05(d).

Moreover, the absence of a memory location limitation in the claims of Group II would seem to make these claims generic for restriction purposes – embracing the more particularly claimed arrangements in Group I.

Still further, applicants have added a new claim 33 that is also generic – patterned after claim 3, but reciting a “system” including a memory, a scanner, and an associated computer system, but not specifying whether the memory is in the scanner or in the computer. Existence of a generic claim precludes applicability of MPEP § 806.05(d).

Claim 3 has already been indicated as allowable. New claim 33 is likewise believed to be in condition for allowance.

In view of the foregoing, withdrawal of the restriction requirement is solicited, together with a notice of allowance of all pending claims.

(If, despite the foregoing, the restriction requirement is maintained and made final, applicants would elect to prosecute the claims of Group I.)

Favorable reconsideration is solicited.

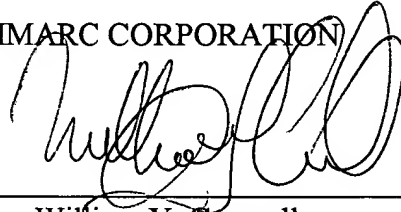
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Respectfully submitted,

DIGIMARC CORPORATION

A handwritten signature in black ink, appearing to read 'William Y. Conwell', is written over a horizontal line.

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